



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Monticello Field Office
365 N. Main St.
Monticello, UT 84535
www.blm.gov

Bears Ears National Monument Planning Consulting Parties Meeting

Date and Time: Tuesday July 30, 2019 9:00 AM-12:00 PM MDT

Meeting Location: BLM-Monticello Field Office

Attendees:

Federal Agencies

Bureau of Land Management

Name

M. Jared Lundell, Gary Torres, Lance Porter, Jacob Palma, Amber Johnson, Angela Bulla, John Chmelir, Lydia DeHaven, Cameron Cox, Shoshawna Umlor (intern),

United States Forest Service

Chris Kramb, Charmaine Thompson

State Government

Public Lands Policy and Coordination Office

Name

Kris Carambelas (by phone)

Local Governments

San Juan County

Name

Nick Sandberg

City of Blanding

Jeremy Redd

Edge of Cedars State Park

Jonathan Till

Tribal Governments

Pueblo of San Felipe

Pinu'u Stout (by phone)

Pueblo of Acoma

Davy Malie (by phone)

Organizations	Name
National Trust for Historic Preservation	Sharee Williamson Betsy Merritt (by phone)
Utah Rock Art Research Association	Werner Dueker (by phone)
Utah Dinè Bikèyah	Honor Keeler, Angelo Baca Denise White
Friends of Cedar Mesa	Josh Ewing
Utah Professional Archaeological Council	Mike Cannon

Meeting Objectives: Discussion of the Proposed Bears Ears National Monument Management Plan/ Final Environmental Impact Statement and potential effects to historic properties.

Meeting Notes:

Introduction

The agencies expect to sign the Record of Decision (ROD) in mid-October. Based on comments received on the Draft Environmental Impact Statement (DEIS), input from consulting parties, the tribes, the Monument Advisory Committee (MAC) and other stakeholder the agencies have developed a fifth alternative, Alternative E.

Gary Torres and Lance Porter have been sharing line-officer duties on the Monument Management Plans (MMPs). The agencies have released the Final Environmental Impact Statement (FEIS) and Proposed MMPs through a Federal Register Notice on July 26, 2019. The documents are also on the BLM's eplanning website. There will now be 30 day protest period. The agencies are seeking further input through this process. The agencies are currently writing a letter documenting the agencies' finding of effect. The agencies anticipate making a finding of no adverse effect. The agencies will follow the regulations at 36 CFR § 800.5(b) (c) (2) in providing proper timelines for the SHPO, consulting parties, and tribes to provide input on the finding of effect.

Washington Office and Department Review

The agencies have briefed their respective departments and Washington office counterparts. There was a question about who at the Washington Office reviewed the documents. It was noted that BLM staff at the Washington Office reviewed the document particularly in the director's office, the National Conservation Lands program, the Planning program, and others.

Further Identification Efforts and Background

At the previous meeting and in comments the agencies received questions about whether a report on cultural resources would be completed. Initially the agencies did not anticipate writing a report and relying on the Class I completed two years ago. The consulting parties also

commented on identification efforts at public use sites and thought there should be localized identification efforts. Based on this input and analysis, the agencies decided to write a report that documents identification efforts at each of the public use sites. This report also includes further archaeological survey at the Butler Wash Developed Site.

Cultural Resource Management Plan and Current Efforts

At the previous meeting and in comments the agencies received concerns that the 2 year timeline for the Cultural Resource Management Plan (CRMP) was too long. The agencies are also concerned about the increase in visitation due to the BENM designation and the surrounding media coverage. The agencies want the consulting parties to be aware that we are actively gathering initial data in preparation for the CRMP and also continue to actively manage historic properties and the public use sites. As examples, the BLM is conducting more stabilization at the Mule Canyon developed site in partnership with the National Park Service Southeast Utah Group. The BLM and USFS are conducting or preparing to conduct surveys in areas receiving greater numbers of visitors. The BLM is also gathering visitor use data at a number of trails and sites. The agencies are also initiating or currently conducting archaeological inventory on routes for Travel Management Planning in BENM. A consulting party questioned whether tribes were involved in the archaeological inventory for travel management. No, the tribes are not directly involved in the inventory, but the agencies are just doing initial data gathering. The agencies are working on initiating or actively conducting ethnographic work to gather information from tribes on concerns that they may have with future planning. The USFS is also working on organizing some tribal monitoring.

Public Use Sites

The Public Use Sites were identified in the proclamations. Many of these sites also already have regular to heavy visitation. Many of the public use sites are also already treated as public use sites by the agencies. For example, Shay Canyon is designated as a hiking trail in the 2008 Monticello Resource Management Plan, see travel management decision TM-22.

A number of consulting parties and tribes expressed concerns with the use of the word ruin in the name of many of the public use sites. In the proposed MMPs and Final Environmental Impact Statement (FEIS) the agencies have removed the word ruin from the names and the document.

The consulting parties brought forth concerns that visitation at these sites would greatly increase due to them being listed as public use sites in the MMPs or that the agencies would heavily advertise them to the public. The agencies will not conduct new on-the-ground development until further analysis requiring NEPA and 106 consultation was completed. The agencies also do not anticipate publishing further information about sites to the public except maintaining or improving what the agencies already provide for information. The agencies do not anticipate substantial increases in visitation at these sites due to their allocation to public use, other than the increases in visitation that are already occurring.

Shay Canyon

The BLM in 2017 completed an archaeological inventory at the mouth of Shay Canyon with assistance from the Utah Rock Art Research Association (URARA). The BLM and URARA also updated site documentation for the rock imagery at Shay Canyon. Consulting parties expressed concerns that Alternative D in the DEIS limited the BLM's options for dealing with future

potential impacts from visitor use at Shay Canyon. In the proposed MMP, Alternative E, the BLM allows for the closing, rerouting, or modifying of the trail to minimize or eliminate any impacts at the site if they occur.

Climbing

Under the current plans there are no decisions regarding climbing in the Shash Jáa Unit. Under the proposed MMPs the agencies would extend proposed climbing decisions to the Shash Jáa Unit. Previously consulting parties expressed concerns that Alternative D did not allow prioritization of archaeological inventory of climbing routes. In Alternative E, the proposed MMP, this language has been clarified. The BLM is also currently conducting archaeological inventory at a number of popular climbing routes in Indian Creek in advance of the implementation level plans.

Target Shooting

Under the current plans there are no decisions regard shooting. Under all alternatives for the proposed MMPs and FEIS there are proposed decisions that provide some amount of management action for target shooting. For example, there are restrictions on target shooting near cultural resources. The agencies clarified some of the language about target shooting based on input from the Monument Advisory Committee. Language was modified to make certain that target shooting was not unnecessarily restricted. The language in the plan for shooting allows the agencies to place signs where shooting becomes a problem to make visitors aware that shooting is not allowed in certain places due to safety or resource concerns if the MMPs are finalized. This does not mean that certain people will still ignore those prohibitions, but it allows the agency to enforce restrictions to protect resources and encourage public safety. The language on these prohibitions has been discussed multiple times internally and it has been revised multiple times in order to not overly restrict shooting while at the same time providing some protections.

The agencies will have to write supplementary rules, which will have a comment period, so that law enforcement officers can cite visitors for posted violations. The agencies will continue to work closely with law enforcement to ensure that the restrictions can be enforced based on the language. The comment period, which will come at a point later in time, for the supplementary rules will allow the public to provide input on the rules.

Monument Advisory Committee

There was a discussion about the Monument Advisory Committee (MAC). Consulting parties expressed concerns that none of the MAC members are elected tribal representatives. The MAC is a group appointed by the Department of Interior through a nomination process, the nominations for individuals had to be received to be considered. None of the agency managers or staff in the room had any control over the decisions that went into selecting the members. There are two tribal members on the MAC. The MAC is only one group with which agencies are engaging. The MAC is governed by the Federal Advisory Committee Act and set up by the federal government. There is a general summary of MAC input in Chapter 4 of the FEIS on page 4-7. The MAC also has a website set up specifically for the committee (<https://www.blm.gov/get-involved/resource-advisory-council/near-me/utah/mac>).

Shash Jáa Commission

The membership of the Shash Jáa Commission is comprised of elected tribal representatives from the Hopi Tribe, Pueblo of Zuni, the Ute Mountain Ute Tribe, the Ute Indian Tribe, the Navajo Nation, and the elected officer of the San Juan County Commission representing district 3. In the proclamation modifying the Bears Ears National Monument (BENM) the Shash Jáa commission only applies to the Shash Jáa unit of BENM, but the agencies would work very closely with the Shash Jáa Commission or comparable entity (as stated in the proclamations) and they would help shape management of the BENM. The comparable entity would need to be vetted through the BLM Washington Office and the Department of Interior. The group would need to be tribally organized based on the proclamations. The BLM called a meeting of the Shash Jáa Commission, but they declined to participate due to the ongoing litigation over the BENM boundary.

The BLM is discussing the BENM with the Bears Ears Intertribal Coalition (BEITC), which is made up of representatives of the five tribes named in the proclamations. Concern voiced by consulting parties that the tribes and BEITC has not been able to participate because of the shorter planning process and the litigation. The agencies expressed their empathy with the tribes and BEITC, but noted that the agencies were given a timeline and are working hard to meet that timeline. The agencies also noted that they have pushed and been granted some extensions due to these concerns.

Off-Highway Vehicle Area Designations

Off-highway vehicle (OHV) area designations for the MMPs are not changing from the 2008 Monticello Resource Management Plan and the Forest Plan. The proposed MMPs have no open OHV areas. There are only areas that are closed to OHVs and areas that are limited to designated routes. Currently, the routes designated in the 2008 Monticello Resource Management Plan and the Forest Plan. The agencies will do route specific travel management planning separately as one of the implementation level plans. The agencies will conduct separate analysis and Section 106 consultation in developing the implementation level plans.

Disperse Camping

At the previous meeting and in comments consulting parties brought up concerns about dispersed camping and the allowance in Alternative D for camping up to 150 feet off designated routes until a camping plan was developed as a part of the recreation area plans. In Alternative E this language has been adjusted and no longer includes the 150 feet. The language is more restrictive. There was a question about the lack of a proposed decision for designated dispersed camping in the MMPs. This will be planned for through the camping plan. In previous land use plans the BLM would combine these implementation plans with the allocation decisions. Now the BLM is separating implementation level decisions out as separate plans.

Special Recreation Permits

In previous meetings and comments consulting parties had concerns that special recreation permits (SRPs) would only be required if the group sizes noted in Alternative D for each of the recreation areas were met. For example in the Indian Creek Unit 50 individuals, 25 vehicles, or 15 pack animals. This language has been clarified in Alternative E and it now notes that any

organized or commercial groups require an SRP. The sizes allow the BLM to draw a clear line when a permit is required. The SRP handbook and BLM policy encourage offices to develop these thresholds when conducting land use planning. The agency official ultimately determines when a permit is required based on planning decisions, resource concerns, potential user conflicts, or public health and safety issues. Consulting party had a concern about how people would know that this threshold exists. The agencies agreed that they need to work on getting word out to the public.

Group Size Limits

Group size limits are different and separate from the SRP thresholds discussed above. The proposed MMPs for example have a group size limit of 12 for hiking to cultural sites in Comb Ridge accessed from Butler Wash. This means that even SRPs can only have a maximum group size of 12 for hiking to cultural sites on Comb Ridge from Butler Wash. The agencies can adjust the group size limits in future implementation level planning for the recreation area management plan and the cultural resource management plans.

Law Enforcement, Staffing, and Education

The agencies are working to increase staffing for the BENM. The BLM will have 5 law enforcement rangers for the district. The USFS has hired a new law enforcement ranger and currently has one detailed. The USFS also has staff that is patrolling the forest that can issue citations. The BLM is increasing visitor contact and park ranger staff in BENM and the Monticello Field Office. The agencies are working on educating visitors through a number avenues. The BLM will soon begin providing guided tours to Moon House. A consulting party recommended reaching out tribes to assist with these tours. The BLM noted that it would be interested in forming such a partnership. The BLM also has a site stewardship program and site ambassador program supported by Friends of Cedar Mesa and Edge of the Cedars State Park and Museum. The agencies in general try to educate the public so they don't inadvertently damage resources and have law enforcement for the remaining few who are intentionally out to do illegal activities and harm resources. Consulting parties mentioned involving tribes in monitoring and these activities. The BLM noted that we are working on some assistance agreements to involve tribes with these type of activities. Also working with the BEITC on some projects.

National Environmental Policy Act and Section 106 Schedules

The newly signed Dingle Act requires that the agencies notify the public of any shooting closures. The agencies are offering a 60 day comment period for shooting closures separately, but concurrently with the FEIS protest period. The protest period is 30 days, then there will be a period of time for protest resolution, which is handled by the USFS and BLM Washington Office. They will contact local staff as needed to help with protest resolution. There is also a concurrent governor's consistency review that is 60 days long. This is for the governor to ensure that the MMPs are consistent with local government and state government plans. Consulting party commented that the website only allows 60 minutes to enter a protest. It was recommended that if a protester has a long protest it may be best to upload a document via the button in the protest page or copy and paste into the text box from another document.

For 106, the agencies will send out finding of effect letters to the consulting parties, tribes, and the State Historic Preservation Officer in the next few weeks. As discussed at the beginning of

the meeting the agencies anticipate making a finding of no adverse effect. If this is the finding, the consulting parties and tribes will then be provided 30 days to respond. If there is an objection with a justification the agencies will work to resolve this objection or seek comment from the Advisory Council on Historic Preservation (ACHP). The ACHP has a maximum of 30 days to comment on the objection and finding. The agencies have discussed the BENM MMPs with the SHPO and ACHP. The agencies are also completing a report documenting some of the identification efforts. The agencies will decide whether it is appropriate to provide consulting parties this report.